

were moved to the cover, and this, in turn, would lower the antenna base, which is contrary to the purpose of Edwards.

In addition, the figures of Edwards (particularly Fig. 4) show where components of the phone, including the microphone and the receiver, are located, and clearly indicate that the cover does not include any functional components other than the antenna. As such, since Edwards already shows where components of the phone, including the microphone and the speaker, are located, Yoon's mere illustration of placing the components elsewhere would not have provided any motivation for moving them in the device of Edwards.

In response to these arguments, the present rejection contends, without support, that "the cover portion (24) of Edwards can be modified by incorporating a display unit and also a receiver unit positioned at the user's ear, while still maintaining maximum distance of the antenna beyond the user's head." However, this conclusory argument by the Examiner, in addition to finding no support in Edwards or Yoon, ignores the reality of what the device of Edwards would look like when modified in the manner set forth in the rejection.

This is particularly true when it is taken into consideration that the device would still need to satisfy the other elements of the independent claims. For example, claim 1 also recites that "a first center line of the first housing and a second center line of the second housing are in parallel with each other only in a state where the first housing and the second housing are folded via the hinge" and "wherein the first center line and the second center line are inclined relative to each other in a state where the first housing and the second housing are opened via the hinge."

The present rejection also seems to attach significance to the statement in paragraph [0020] of Edwards that the cover can contain electronics. However, applicant is not contending that the device of Edwards would not have been modified to place the receiver in the cover because it somehow would have been physically challenging to do so. Rather, applicant is arguing that the device of Edwards would not have been modified to place the receiver in the cover because doing so would have frustrated the purpose of the design employed by Edwards, which was to extend the antenna substantially above the user's head.

For at least these reasons, the rejection should be withdrawn.

Applicant submits that all claims are in condition for allowance.

Applicant : Shunpei Yamazaki, et al.
Serial No. : 10/072,496
Filed : February 5, 2002
Page : 3 of 3

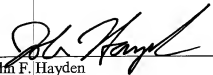
Attorney's Docket No.: 07977-301001 / US5497

The fee in the amount of \$120 for a one-month extension of time is being paid concurrently on the electronic filing system (EFS). Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

9/21/07



John F. Hayden
Reg. No. 37,640

Customer No. 26171
Fish & Richardson P.C.
1425 K Street, N.W., 11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

40441805.doc